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10/599,285	09/25/2006	Christoph Briehn	WAS0807PUSA	6497
22045	7590	06/15/2009	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			PAK, HANNAH J	
			ART UNIT	PAPER NUMBER
			1796	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Attachment to Box 11:

The applicants' arguments filed 06/04/2009 are fully considered but are not found persuasive. The applicants appear to argue that Olsen does not teach the claimed alkoxysilane (see Pages 2-3 of the Applicants' Remarks). They also point to the examples of Olsen to show that Olsen is only limited to using (see Page 3 of the Applicants' Remarks).

However, Olson teaches hydrolyzing the silyl acrylate having the formula, $(R^1O)_{4-a-b}(R)_aSi(CR^2)[CH(R^2)R^3O(C=O)C(R^2)=C(R^2)_2]_b$, in the presence of aqueous colloidal silica having submicron-sized silica particles (Col. 1, lines 50-54, Col. 3, lines 45-50, and Col. 5, lines 53-61). Moreover, Olson's $(R^1O)_{4-a-b}(R)_aSi$ correspond to the claimed $(R^1O)_{3-n}(R^2)_nSi$. Olson's $(CR^2)[CH(R^2)R^3]$ when R^2 is a hydrogen and R^3 is a C1-C8, is structurally similar to the claimed CR^3_2 , when R^3 is equal to a hydrocarbon radical having 1-12 carbon atoms, see *MPEP* § 2144.09, *Chemical Compounds with Structural Similarity*. Olson's oxygen corresponds to the claimed A group. Olson's C=O (carbonyl group) corresponds to the claimed D group. Olson's $C(R^2)=C(R^2)_2$ corresponds to the claimed C group. Therefore, Olson teaches or at least suggests the claimed composition. Moreover, the examples should not be limited to the prior art.

As to the 37 CFR .1.132 declaration filed 06/04/2009, it is noted that the Declaration is submitted to provide evidence of unexpected or surprising results over Olson (US 4,491,508) utilized in the rejection of record. The cited reference was applied back in the Office Action mailed 8/14/08 and maintained in the final action mailed 2/12/09. It would appear therefore that applicant had ample

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opportunity to present the cited declaration at any time prior to final but did not.

Hence, it is not unreasonable to hold the submission of the declaration after final to be untimely. Moreover, it appears from paragraph 4 of the declaration that applicant's showing is based upon a single species ("claimed methacrylatopropyltrimethopxysilane") of the broadly recited organosilanes of formula (II) in present independent claim 11. Therefore, in addition to being untimely the declaration is not commensurate in scope with the broad scope of at least independent claim 11. In view of the above discussion, the declaration is not persuasive enough to overcome the rejection of record.

/Hannah Pak/

Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796